United Nations Convention on the Law of the Sea SPLOS/263

Meeting of States Parties

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Report of the twenty-third Meeting of States Parties

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I. Introduction

1. The twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea[1] was held at United Nations Headquarters from 10 to 12 June 2013, in accordance with article 319, paragraph 2 (e), of the Convention and paragraph 39 of General Assembly resolution 67/78. Owing to the progress made in the discussions, the Meeting was adjourned two days earlier than originally foreseen in the resolution.

2. The Meeting was attended by the representatives of States Parties to the Convention[2] and observers, including the International Seabed Authority, the Commission on the Limits of the Continental Shelf[3] and the International Tribunal for the Law of the Sea.[4,5]

II. Organization of work

A. Opening of the Meeting and election of officers

3. Isabelle F. Picco (Monaco), President of the twenty-second Meeting of States Parties, opened the twenty-third Meeting.

4. The Meeting observed a minute of silent prayer or meditation.

5. The Meeting elected Ferit Hoxha (Albania) as President of the twenty-third Meeting of States Parties, by acclamation.

6. The Meeting elected Jean-Cédric Janssens de Bisthoven (Belgium), Hernán Salinas (Chile), Milan Jaya Nyamrajsingh Meetarbhan (Mauritius) and Abdulaziz Al Rodiman (Saudi Arabia) as Vice-Presidents, by acclamation.

Statement by the Legal Counsel

7. The Legal Counsel, Patricia O'Brien, stated that, at a time when the oceans and their resources had become the focus of many international legal instruments, processes and initiatives, the centrality of the Convention in strengthening international peace and security and ensuring the sustainable development of the oceans and seas was more critical than ever. She also drew the attention of the Meeting to the important contributions of the three institutions established by the Convention, namely the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, towards the advancement of the goals of the Convention.

Statement by the President

8. The President noted the continued steady progress towards the goal of universal participation in the Convention, recalling that since the previous Meeting, three more States, Ecuador, Swaziland and Timor-Leste, had ratified or acceded to

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[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.

[2] See rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4).

[3] See rule 18 of the Rules of Procedure.

[4] See rule 37 of the Rules of Procedure.

[5] For a list of participants at the twenty-third Meeting of States Parties, see SPLOS/INF/27.

the Convention, bringing the total number of States Parties to 165, including the European Union. He recalled that a strong and universally accepted and implemented international legal regime applicable to the oceans was essential for the maintenance of international peace and security, as well as for the sustainable use of the ocean resources, navigation and the protection of the marine environment. Referring to the theme of the 2013 observance of World Oceans Day, "Oceans and people", he observed that the main purpose of the legal order established by the Convention, as set out in its preamble, could be realized effectively only through responsible stewardship by people in the uses of the oceans and their resources.

B. Adoption of the agenda and organization of work

9. The President introduced the provisional agenda (SPLOS/L.72), which was adopted, with amendments (SPLOS/261).

10. Following consultations with the Bureau, the President made proposals regarding the organization of work. The Meeting approved the organization of work on the understanding that it could be adjusted, as necessary, in order to ensure the efficient conduct of the Meeting.

III. Credentials Committee

A. Appointment of the Credentials Committee

11. On 10 June 2013, pursuant to rule 14 of its Rules of Procedure, the Meeting appointed a Credentials Committee consisting of the following nine States Parties: Argentina, Côte d'Ivoire, Greece, Indonesia, Lithuania, Malta, Myanmar, Saint Lucia and Tunisia. The Credentials Committee held one meeting on 12 June 2013 and elected Kimberly K. Louis (Saint Lucia) as its Chair.

B. Report of the Credentials Committee

12. The Chair of the Credentials Committee introduced the report of the Committee (SPLOS/262) on 12 June 2013. She stated that the Committee had examined and accepted the credentials of representatives to the twenty-third Meeting from 134 Parties, including the European Union. She also informed delegations that, after the meeting of the Committee, formal credentials had been received for the representatives of Sierra Leone to replace the provisional ones. Consequently, the total number of credentials received in due course was 100, and the total number received on the understanding that formal credentials would be communicated to the Secretariat as soon as possible was 34.[6]

13. The Meeting then approved the report of the Credentials Committee.

[6] Following the approval of the report of the Credentials Committee, the Secretariat received formal credentials from Argentina.

IV. Matters related to the International Tribunal for the Law of the Sea

A. Report of the Tribunal for 2012

14. The President of the Tribunal, Judge Shunji Yanai, introduced the annual report for 2012 (SPLOS/256) and provided an overview of the judicial activities of the Tribunal and the work carried out during the two sessions devoted to legal and judicial matters held in 2012, namely the thirty-third and thirty-fourth sessions.

15. The President noted the continued increase in the judicial activities of the Tribunal in 2012. The Tribunal had handled four cases involving a wide range of substantive and procedural issues.[7] The scope of those cases encompassed maritime delimitation, requests for the release of detained vessels, including a warship, and claims for damages arising out of the arrest of vessels. In terms of procedure, the work of the Tribunal was also quite varied, ranging from cases on the merits to urgent proceedings, including, for the first time, a counterclaim brought before the Tribunal. Of the four cases dealt with in 2012, two were disposed of by the Tribunal in the same year and a third was completed in the first half of 2013.

16. The President also informed the Meeting that, on 28 March 2013, the Tribunal received a request from the Subregional Fisheries Commission to render an advisory opinion on four questions. The request for an advisory opinion submitted by the Subregional Fisheries Commission pursuant to article 138 of the Rules of the Tribunal had been entered into the list of cases of the Tribunal as case No. 21. The Subregional Fisheries Commission and many other intergovernmental organizations, as well as the States Parties to the Convention, had been invited to present written statements on the questions contained in the request by 29 November 2013.

17. The President outlined the internship, capacity-building and training activities undertaken by the Tribunal in 2012, as described in the report (see SPLOS/256, paras. 102-106, 118-123 and 133). In particular, he informed the Meeting that the Tribunal continued to hold regional workshops to provide representatives of States with information on its jurisdictional rules. The latest workshop was held in Mexico City in June 2013.

18. In the ensuing discussions, several delegations reaffirmed their support for the work of the Tribunal and expressed appreciation for its work and expeditious handling of cases. They noted growing support in the international community for the work of the Tribunal and its important role in the peaceful settlement of disputes and the rule of law at sea, as well as the implementation of the Convention. Some delegations also expressed the hope that the Tribunal would play an even greater role in the future development of the law of the sea. In this connection, some delegations indicated that more States Parties should refer their disputes to the Tribunal. Other delegations noted the right of States Parties to exclude certain matters from the compulsory dispute settlement procedures in the Convention.

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[7] Case No. 16 (*Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal*); case No. 18 (*M/V Louisa-Saint Vincent and the Grenadines v. Kingdom of Spain*); case No. 19 (*M/V Virginia G-Panama/Guinea-Bissau*); and case No. 20, *the ARA Libertad (Argentina v. Ghana)*. For a detailed description of the cases see the annual report of the International Tribunal for the Law of the Sea for 2012 (SPLOS/256), paras. 24-71.

19. Several delegations noted with appreciation the judgment rendered in case No. 16, the first boundary delimitation case handled by the Tribunal, which included delimitation of the continental shelf beyond 200 nautical miles. They placed emphasis on the expeditious manner in which the case had been handled, which resulted in the resolution of a 38-year dispute in only 28 months. It was recalled that the two parties in the case had also expressed their satisfaction with the judgment and stated that the decision was balanced and equitable. It was noted with satisfaction that the decision was consistent with existing jurisprudence relating to maritime boundary delimitation.

20. Some delegations welcomed the Tribunal's prompt handling of the request for provisional measures in the *ARA Libertad* case (*Argentina v. Ghana*). They also acknowledged the efforts of the parties to the case to implement the order of the Tribunal.

21. Some delegations welcomed the request for an advisory opinion from the Subregional Fisheries Commission. The importance of the request in the efforts to address illegal, unreported and unregulated fishing was highlighted. The view was expressed that the case raised questions of national interest, and its development would thus need to be closely monitored. Delegations noted that it would be the first advisory opinion to be issued by the Tribunal as a whole. A question was raised as to whether the Tribunal as a whole could deliver an advisory opinion, and the view was expressed that it would be important for the Tribunal to fully consider the concerns of all States Parties in deciding whether to exercise jurisdiction. An observer delegation noted that, under the Convention, only the Seabed Disputes Chamber had jurisdiction to render an advisory opinion. The delegation further indicated that, while the Statute of the Tribunal recognized that agreements could confer jurisdiction to the Tribunal to render decisions relevant to those other agreements, that jurisdiction did not extend to general matters beyond the scope of those other agreements.

22. Concern was expressed over the payment of financial contributions to the Tribunal, and a call was made to Parties for continued support to the Tribunal. Some delegations noted their ongoing support for the work of the Tribunal, both in terms of financial contributions and nomination of judges. Several delegations noted the recent accession of Malta to the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea and called upon other States to give favourable consideration to adhering to the Agreement.

23. Several delegations noted with appreciation the capacity-building activities carried out by the Tribunal and expressed appreciation to those who had made contributions to such activities. The importance of the workshops in building regional capacity and improving knowledge of the law of the sea was highlighted.

24. The Meeting took note of the report of the Tribunal for 2012.

B. Financial and budgetary matters

1. Report of the external auditor for the financial period 2011-2012

25. The Registrar introduced the report of the external auditor for the financial period 2011-2012, with financial statements of the Tribunal as at 31 December 2012 (SPLOS/257).

26. The Registrar informed the Meeting that the audit report had been carefully considered by the Tribunal during its March 2013 session.

27. The Meeting took note of the report of the external auditor, as contained in document SPLOS/257.

2. Report on budgetary matters for the financial periods 2011-2012 and 2013-2014

28. The Registrar introduced the report of the Tribunal on budgetary matters for the financial periods 2011-2012 and 2013-2014 (SPLOS/258), covering the matters outlined below.

(a) Performance report for 2011-2012

29. The Registrar outlined the information contained in section I of document SPLOS/258, recalling that the total expenditure for 2011-2012 amounted to €19,223,375, which represented 94.24 per cent of the appropriations in the amount of €20,398,600 approved for that period. He noted that this performance was primarily due to an increased judicial workload during the period concerned, namely: (a) delivery of the advisory opinion of the Seabed Disputes Chamber in case No. 17 in February 2011; (b) the reading of the judgment in case No. 16 between Bangladesh and Myanmar in March 2012; (c) the hearing, initial deliberations and meeting of the Drafting Committee in case No. 18; and (d) the urgent request for provisional measures in the *ARA Libertad* case at the end of 2012.

30. Several delegations expressed appreciation for the reductions that had been made in expenditures for the relevant period and welcomed the fact that the total expenditure was under budget, or 94.24 per cent of total appropriations. It was noted that significant savings had been achieved with regard to case-related costs, including travel to meetings, owing to the scheduling of administrative sessions in conjunction with judicial ones, which was encouraged. It was also noted that any further reductions on case-related costs would be dependent on reducing the estimated number of urgent cases budgeted for and that the Working Capital Fund could be used in the event the estimate was exceeded. It was highlighted that the performance rate for budget lines relating to general temporary assistance and overtime was low compared to other items, and the Registry was encouraged to take into account past performances when drafting the next budget proposal.

31. Several delegations expressed concerns over arrears in the payment of assessed contributions and reiterated their appeal to States Parties to honour their commitments and pay outstanding contributions in full and on time. Delegations expressed appreciation for the action taken by the Registrar in that respect and urged him to continue efforts to collect outstanding contributions.

(b) Report on action taken pursuant to the decision of the twenty-second Meeting of States Parties concerning the budget of the Tribunal for 2013-2014

32. The Registrar outlined the information contained in section II of document SPLOS/258 concerning the actions taken pursuant to the decision of the twenty-second Meeting of States Parties concerning the budget of the Tribunal for 2013-2014 (see SPLOS/250).

33. In the ensuing discussions, several delegations expressed appreciation for the actions taken by the Registry to achieve the necessary reductions for the 2013-2014

budget. Several delegations noted that the decisions of the Registrar achieved savings only to a limited extent, beyond merely adjusting the number of cases expected, and that the Tribunal was expected to continue its efforts in this regard in implementing the budget. In this context, one delegation suggested that further reductions in travel and overtime costs could be possible. More generally, the Tribunal was encouraged to continue to manage its budget to ensure the optimal use of resources, particularly in the light of the financial constraints currently faced by Governments worldwide.

34. In response to a question on how it was possible to reduce the number of days of preparatory work from 90 days to 20 for each urgent case, the Registrar noted that this was based on an assessment that such proceedings had been used only to a limited extent in the past. Regarding a suggestion that further reductions could be made in travel costs, the Registrar noted that it was not always possible to schedule administrative sessions in conjunction with judicial ones, especially with regard to urgent cases.

(c) Report on action taken pursuant to the Financial Regulations of the Tribunal

35. The Registrar outlined the information contained in section III of document SPLOS/258 concerning the surrender of cash surplus from the financial period 2009-2010, the investment funds of the Tribunal, the Trust Fund for the law of the sea, the Korea International Cooperation Agency Trust Fund, the Nippon Foundation Trust Fund and the China Institute of International Studies Trust Fund.

36. The Meeting took note with satisfaction of the report on budgetary matters for the financial periods 2011-2012 and 2013-2014 (SPLOS/258).

3. Proposal by the United Kingdom of Great Britain and Northern Ireland for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea

37. The United Kingdom of Great Britain and Northern Ireland introduced a proposal for a mechanism to scrutinize budgets of the International Tribunal for the Law of the Sea (SPLOS/260 and Corr.1), stressing that the proposal was not intended to suggest that any issue regarding the management of the Tribunal existed, but rather to provide a mechanism to address shortcomings in the budget approval process and ensure a more detailed and effective examination of a proposed budget. The delegation explained that the proposal would not replace the open-ended working group of the Meeting of States Parties but would complement it, without generating any new costs to the Tribunal. The delegation observed that, although the budget of the Tribunal was still relatively small, its caseload was growing and it was timely to introduce such a mechanism, which existed for other international tribunals, at this juncture.

38. In the ensuing debate, several delegations commented on the existing procedure for the approval of the budget of the Tribunal, noting its need for improvements, including additional oversight. In this context, concerns were raised over the current process, including the format and composition of the open-ended working group. Other delegations indicated that the current process was sufficient and noted long-standing concerns over proposals to change the budget approval process. In this connection, some delegations emphasized the need to guarantee transparency and accountability in the budget approval process and to ensure that all delegations would be able to participate in the consideration of budgetary matters.

39. With regard to the merits of the proposal under consideration, some delegations expressed general support or suggested the need for further discussions on the matter, while other delegations noted specific difficulties. In this connection, some delegations raised concerns over the possibility that the budget of the Tribunal would be considered by small, informal bodies that were not open to all States Parties and would not keep official records of their deliberations. Some delegations suggested that the addition of the new mechanism could lead to further costs and complexity in the budget approval process. Delegations also highlighted the limited mandate of the Tribunal in budgetary matters and the competency of the Meeting of States Parties to deal with substantive budgetary issues. Some delegations raised questions with regard to how the mechanism would function, in particular in connection with its composition, mandate and decision-making processes.

40. Delegations discussed the possible way forward, including the option of establishing an ad hoc working group to continue the discussions. It was suggested that the Secretariat could report to the Meeting on the possible options for the approval of the budget, taking into account the discussions.

41. The Meeting took note of the proposal brought forward by the United Kingdom and decided to remain seized of the matter by including it in the provisional agenda of the twenty-fourth Meeting of States Parties.

V. Information on the activities of the International Seabed Authority

42. The Secretary-General of the Authority, Nii Allotey Odunton, provided information on the activities carried out by the Authority since the twenty-second Meeting of States Parties.

43. The Secretary-General of the Authority detailed a new pattern of meetings for the upcoming nineteenth session of the Authority and its subsidiary organs in order to facilitate the best possible level of attendance. In doing so, he encouraged all States Parties to attend the relevant parts of the session. He also encouraged the 41 States Parties that were in arrears for a period of two or more years to pay their contributions to the budget of the Authority. He noted that, according to the rules of procedure of the Assembly, a State Party in this position would have no voting rights.

44. The Secretary-General of the Authority recalled that 14 plans of work for exploration in the Area had been approved, 5 in 2012, and six pending applications had been received thus far in 2013, representing a significant increase in the work of the Authority. He observed that this was the highest number of applications before the Legal and Technical Commission and the Council in the same session, which represented a positive development for Member States as the beneficiaries of seabed mining, but also posed a management challenge. He also observed that three of the pending applications related to cobalt-rich ferromanganese crusts, following the approval by the Assembly in 2012 of the regulations on prospecting and exploration for these resources.

45. Noting the competence of the Authority for developing an appropriate level of environmental protection for the Area, the Secretary-General of the Authority recalled that the Council had approved an environmental management plan for the

Clarion-Clipperton Zone that gave effect to the precautionary approach, was based on an integrated and ecosystem approach and included the designation of a representative network of areas of particular environment interest. He informed the Meeting that the Authority was pursuing its efforts to standardize the taxonomy of three classes of fauna associated with the minerals in the Area, in collaboration with the contractors and the scientific community.

46. The Secretary-General noted that, as the Authority had now completed the parts of the mining code relating to prospecting and exploration of polymetallic nodules, polymetallic sulphides and cobalt-rich ferromanganese crusts, the current challenge was to develop regulations on the exploitation of these minerals. He recalled that the Council and Assembly had agreed to prepare, by 2016, the first set of regulations on the exploitation of polymetallic nodules in the Area. To this end, a preliminary study on the issues involved had been released as Technical Study No. 11, which would be considered by the Legal and Technical Commission at the upcoming session of the Authority.

47. In the ensuing discussion, some delegations noted with concern the low level of participation in the sessions of the Authority and expressed appreciation for the efforts of the Authority to improve the programme of work for the upcoming session.

48. Several delegations welcomed the work of the Authority in completing the last set of regulations on prospecting and exploration for cobalt-rich ferromanganese crusts in the Area. Delegations noted the importance of the principle of the common heritage of mankind in the development of the deep seabed mining regime, as provided in the Convention.

49. Support was expressed for the ongoing work of the Authority to prepare an exploitation code for polymetallic nodules. The view was expressed that the Authority should expedite its efforts in that regard, in the light of the fact that some contractors were in the final phase of their exploration activities. Some delegations stressed that the regulations should be in line with recent technical and industrial developments while reflecting a rational balance between the utilization of the resources, the protection and preservation of the marine environment and the interests of the international community. In conjunction with commercial mining for seabed resources, one delegation noted the need for concurrent efforts to facilitate technology transfer, including arrangements for safeguarding the benefits to mankind as a whole, irrespective of geographical location.

50. Several delegations welcomed the high number of plans of work for exploration recently approved by the Council. The increase in both activity and contractors in the Area was considered to represent an expression of confidence in the regime established for the Area. The view was expressed that increased activity in the Area would require additional resources for the Authority, the cost of which could be shared by contractors that conducted exploration activities.

51. Several delegations noted with satisfaction the approval by the Legal and Technical Commission of the environmental management plan for the Clarion-Clipperton Zone. Some delegations stressed that, given the uniqueness of the ecosystems in the Area, the exploration and exploitation of resources needed to be conducted with consideration for the marine environment, including by giving effect to the precautionary approach and on the basis of an ecosystem approach.

52. It was acknowledged that the Authority could play an important role in discussions on marine biodiversity in areas beyond national jurisdiction, and support was expressed for the work of the Authority in this regard.

53. Several delegations expressed appreciation for the capacity-building and outreach work of the Authority, as well as the promotion of the participation of developing countries in marine scientific research in the Area through the Endowment Fund. It was stressed that further contributions to the Endowment Fund and the Voluntary Trust Fund for the participation of members of the Finance Committee and the Legal and Technical Commission from developing countries were needed.

54. It was noted that the International Workshop on Further Consideration of the Implementation of Article 82 of the United Nations Convention on the Law of the Sea was successfully held by the Authority, in collaboration with the China Institute for Marine Affairs of the State Oceanic Administration of China, in November 2012 in Beijing. The Meeting was also informed of national efforts towards the ratification of the Agreement relating to the implementation of Part XI of the Convention and the sponsoring of applications for mining exploration.

55. The Meeting took note of the information reported by the Secretary-General of the Authority.

VI. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chair of the Commission

56. The Chair of the Commission, Lawrence Folajimi Awosika, made a statement providing information on the activities carried out by the Commission since the twenty-second Meeting of States Parties.[8]

57. In the ensuing discussion, delegations emphasized the critical role of the Commission in the establishment and advancement of the legal order for the oceans, as provided in the Convention. In this connection, the view was expressed that the work of the Commission involved a delicate balance between the interests of the submitting coastal State and those of the international community as a whole. The Commission was also contributing to the attainment of a just and equitable economic order. A suggestion was made that the statements by the Chair on the progress in the work of the Commission could provide more substantive information, in the light of the interests of the international community in the Area.

58. Appreciation was conveyed to the Commission for its expeditious work since the twenty-second Meeting of States Parties. Delegations expressed satisfaction with the concrete steps taken by the Commission to address the request of the twenty-first Meeting of States Parties (see SPLOS/229, para. 1), according to which the Commission and its subcommissions would meet in New York for up to 26 weeks but not less than an intended minimum of 21 weeks a year for a period of five years (see CLCS/76, paras. 10-14). Delegations noted in this regard their anticipation for

[8] See SPLOS/259. For more information on the work of the Commission during its thirtieth and thirty-first sessions, see CLCS/76 and CLCS/78.

the outcomes of the new pattern of work and meetings. Delegations also welcomed the intention of the Commission to keep its new working arrangements under review as a sign of its willingness to seek further efficiency in its work (see CLCS/76, para. 14).

59. Clarifications were sought by several delegations on the flexible approach that the Commission might adopt regarding the order of the consideration of submissions when the available members were ineligible to consider the next submission in the queue (see SPLOS/259, para. 25). Another delegation expressed its support for such flexibility.

60. Several delegations stated that they remained concerned about the workload of the Commission in the light of the constant increase in the number of submissions received and stressed the need to further improve working methods and ensure that submissions could be considered in a reasonable time frame. It was noted that the number of coastal States expected to make submissions was four times bigger than estimated at the time of the drafting of article 5 of annex II to the Convention.

61. The call was reiterated for the Commission to prepare a projection plan reflecting the improved timeline for consideration of submissions based on a minimum of 21 weeks of meetings each year for the next five years, as well as a workload plan reflecting the estimated duration of the consideration of each submission, taking into account its complexity and the area covered. Clarification was also sought on whether the absence of a plenary meeting during the thirty-third session of the Commission, to be held from 7 October to 22 November 2013, would have an impact on the timely constitution of subcommissions to consider the next submissions in the queue.

62. The view was expressed that the Commission should consider expanding its working weeks in New York to a total of 26 weeks per year. Attention was also drawn to the challenges faced by some States, especially developing States, in retaining the technical teams and expertise, as well as software, up to and during the consideration of a submission by the Commission. The need to address the retention of the Commission's institutional memory, in the light of the possibility of an entirely new Commission being elected if none of the sitting members of the Commission were re-elected, was also emphasized.

63. Delegations stressed the need for the Meeting of States Parties to continue considering measures to ensure that the Commission could perform its work in an effective, efficient and timely manner and with adequate support to its members, including with respect to working conditions.

64. Delegations recalled that, according to the Convention, the States Parties that submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties. In this connection, a call was made for the Meeting to consider flexibility with regard to this financial obligation in order to prevent developing countries and small island developing States from being discouraged from nominating members of the Commission. The decisions concerning the 10-year requirement for making a submission were recalled as an example of how the Meeting had applied flexibility in the past in order to address certain problems concerning the implementation of the Convention (see SPLOS/72 and SPLOS/183). Clarification was also sought on the impact that non-attendance of members had on the work of the Commission.

65. It was observed that plans to improve the working methods and efficiency of the Commission should be developed in a way that would not undermine the quality of the consideration of submissions. The view was also expressed that the work of the Commission should be considered not only in terms of quantity but also in terms of the complexity of the submissions made by coastal States.

66. It was recalled that the provisions of article 76 of the Convention were without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts and that the actions of the Commission should not prejudice the delimitation of the maritime boundary between those States. It was noted, however, that a number of States were affected by the fact that the consideration of their submissions had been deferred by the Commission.

67. A delegation indicated that the submission by one of its neighbouring States, the consideration of which had been deferred by the Commission in the light of the existence of a dispute, should be amended by that State to take into account the judgment of the Tribunal in case No. 16, and the Commission should not consider that submission until it was amended.

68. The view was expressed that the Convention did not contain the expression "extended continental shelf", which did not represent an accurate term in reference to the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

69. The effectiveness of cooperative regional projects in the development of submissions to the Commission was highlighted.

70. The Meeting was informed of pledged contributions to the Trust Fund to enable the participation of the members of the Commission from developing countries in the work of the Commission. The Chair and some delegations expressed gratitude to Member States that had made contributions to the relevant trust funds and also encouraged further contributions.

71. In response to questions posed by the delegations, the Chair stated that it was difficult to provide exact estimates of the time needed for the examination of each submission received, as that depended on a number of factors, some of which were beyond the control of the Commission. He also recalled that the Commission would keep the new working arrangements under review for the purpose of assessing their impact on the pace of examination of the submissions. In this connection, he emphasized that the Commission had been striving to advance its work as quickly as possible and would continue to do so.

72. Delegations noted with appreciation the high level of quality of services rendered by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs as secretariat of the Commission.

73. The Meeting took note of the information reported by the Chair of the Commission.

B. Conditions of service of the members of the Commission

74. The Chair of the Commission informed delegations that the Commission, at its thirty-first session, had requested him to suggest that an intersessional working group be established by the Meeting of States Parties to consider issues related to

medical and dental insurance, including the possible use of a trust fund for that purpose (see SPLOS/259, para. 26).

75. The importance of ensuring that health and insurance issues are addressed, particularly if members of the Commission are required to work longer in New York, was noted. It was suggested that the General Assembly could request the Secretary-General to study this matter, so that these practical issues could be resolved. The view was expressed that the costs for medical and dental insurance could be supported by an existing trust fund or through the establishment of a new trust fund for this purpose. It was noted that the costs to States Parties for any support provided to the members of the Commission needed to be considered.

76. Several delegations expressed support for the establishment of a working group. The view was expressed, however, that the discussions of the working group would need to be without prejudice to any decision that the Meeting of States Parties may take on the issue.

77. The Meeting decided to establish an open-ended working group, coordinated by Thomas Heidar (Iceland) and James Ndiragu Waweru (Kenya), to consider:

(a) The following conditions of service of the members of the Commission on the Limits of the Continental Shelf:

(i) The working conditions of the Commission, as referred to in paragraph 25 of document SPLOS/259, including the lack of office space, loss of income while in New York, visits by family members and the high cost of prolonged stays in New York, especially in relation to the effects that these conditions might have on the attendance of the members at all sessions of the Commission;

(ii) Medical and dental insurance for members of the Commission;

(b) Whether these issues could be addressed through existing trust funds or a trust fund to be established for this purpose.

VII. Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

78. The Meeting considered the annual reports of the Secretary-General on oceans and the law of the sea (A/67/79/Add.1 and Add.2 and A/68/71). Delegations expressed their appreciation to the Secretary-General and to the Division for the useful and comprehensive reports. Regret was once more expressed, however, that the only recent report available to the Meeting related to the topic of focus of the fourteenth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (A/68/71).

79. Delegations welcomed the new States Parties to the Convention, which brought the Convention closer to the goal of universality. Some delegations highlighted the contribution of the Convention to the codification and progressive development of international law, as well as peace and security and sustainable development, and the need to preserve its integrity. The view was expressed that the Convention provided a broad legal basis for progress towards a "blue economy" by addressing food security, sustainable livelihoods and environmental protection. In

this context, it was recalled that the problems of ocean space were closely interrelated and needed to be considered as a whole.

80. Some delegations recalled the activities undertaken in 2012 to commemorate the thirtieth anniversary of the opening for signature of the Convention. Attention was also drawn to the activities to mark World Oceans Day.

81. The outcome of the United Nations Conference on Sustainable Development, held in 2012, was recalled with the hope that it would further contribute to enhancing the implementation of the Convention. The view was expressed that the outcome included a clear mandate for States to develop an international instrument under the Convention to address the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction. In this connection, a call was made for the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction to quickly negotiate a binding agreement in order to clarify the applicable legal regime. The importance of such an agreement to maintaining good order on the oceans and seas was highlighted. The valuable work of the 2013 intersessional workshops as an input to the work of the Ad Hoc Open-ended Informal Working Group was noted.

82. Some delegations welcomed the opportunity to consider ocean acidification in the context of the fourteenth meeting of the Informal Consultative Process. In that regard, the need to take into account Part XII of the Convention, which provided the road map for issues related to the impacts of human activities on the marine environment, was stressed. The regimes provided in the Convention for marine scientific research and the transfer of marine technology were also considered to be particularly relevant. Attention was drawn to the need for a comprehensive study of ocean acidification and its impacts on marine ecosystems, including the response of the ecosystems and adaptation to the changing conditions. The work being undertaken by the International Atomic Energy Agency on this topic was noted.

83. A wide range of other issues of significance, including the importance of marine renewable energy as a tool for economic and social development, the impact of fishing on sustainable development and food security, as well as on the tourism industry, and the need for the implementation of Part X of the Convention, relating to the right of access of landlocked States to and from the sea and freedom of transit questions in relation to ocean observations, in particular as regards their marine scientific research aspects, were also recalled. The successful launch of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, was welcomed.

84. The hope was expressed that increased opportunities for developing States to participate in deep seabed mining in the not-so-distant future would lead to the enjoyment of the common heritage of mankind while at the same time avoiding adverse economic and environmental effects.

85. Attention was drawn to recent incidents in the East Sea/South China Sea, which had affected fishermen operating in areas under dispute. It was recalled that, pending solutions to the disputes on territorial and maritime entitlements, the Convention required States Parties to negotiate for provisional arrangements aimed at promoting an optimum exploitation of the living resources in safe and sustainable conditions and cooperating in good faith to this end. The need for maritime disputes

to be peacefully resolved under the Convention was emphasized. It was noted that, although States had the right to resort to the mechanisms for the settlement of disputes set out under Part XV of the Convention, the Convention also allowed States to exclude certain issues, for example issues relating to boundary delimitation, from those procedures. The need for bilateral cooperation in resolving maritime disputes, as well as to maintain conditions conducive to resolving such disputes, was stressed.

86. Some delegations highlighted the continued threat of piracy to maritime security and the need for actions at the global, regional and national levels. It was noted in this connection that guidance from the International Maritime Organization called for each flag State to determine the conditions under which arms could be carried on board ships. Attention was also drawn to the use of ship profiling as an important aspect of the International Ship and Port Facility Security Code. The attention of the Meeting was drawn to efforts to improve maritime safety and security in the Malacca Strait.

87. Attention was also drawn to the human factor at sea. Some delegations highlighted the need to promote capacity-building to ensure compliance with relevant guidelines of the International Maritime Organization and the International Labour Organization on the treatment of seafarers in case of accidents at sea and to enable States to maintain efficient search and rescue services pursuant to article 98 of the Convention.

88. Some delegations reported on the recent adoption of national legislation and regional agreements aimed at implementing the Convention.

89. While noting the Secretary-General's interest in and commitment to oceans issues, including the conservation and sustainable use of the oceans and their resources, many delegations expressed concern over the Oceans Compact initiative of the Secretary-General and the manner in which it had progressed. Several delegations indicated that they could not support the initiative as it stood, and called upon the Secretary-General to undertake open and regular consultations with Member States, as requested by the General Assembly in paragraph 266 of its resolution 67/78.

90. In this context, many delegations emphasized that the Oceans Compact should reflect the balance of rights, obligations and interests under the law of the sea, and it was recalled that a specific legal and institutional framework existed, which included the Convention and its secretariat. Several delegations also stressed that the Oceans Compact could not be construed as a platform for the implementation of the outcome of the United Nations Conference on Sustainable Development, since a specific intergovernmental process had been established for that purpose. Serious concerns were also expressed over the composition and functions of the proposed Advisory Group of the Oceans Compact, including the process of selection and appointment of its members. Some delegations indicated that they looked forward to revisiting the initiative at the sixty-eighth session of the General Assembly.

91. With reference to the ongoing review of the terms of reference of UN-Oceans, the view was expressed that such review was within the competence of the General Assembly.

92. Some delegations expressed appreciation for the capacity-building activities of and training programmes offered by the Division, including through the United

Nations-Nippon Foundation Fellowship Programme of Japan and the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea. There was a need, however, for further efforts to promote capacity-building and training activities and assist developing countries in exercising their rights under and deriving benefits from the Convention. It was suggested that a greater number of fellowships could be awarded. Delegations encouraged contributions to ensure the continuation of the Hamilton Shirley Amerasinghe Fellowship Programme. Appreciation was also expressed to the Division for the assistance provided to a workshop held in Doha in 2012 on the implementation of the Convention.

93. Delegations continued to express divergent views concerning the mandate of the Meeting of States Parties to discuss matters of a substantive nature relating to the implementation of the Convention. The view was expressed that the Meeting of States Parties had the mandate to discuss all issues pertaining to the interpretation and implementation of the Convention. Other delegations indicated that the General Assembly was the global forum with the mandate to undertake an annual substantive review and evaluation of the implementation of the Convention and other developments relating to ocean affairs and the law of the sea. According to those delegations, the Meeting of States Parties should limit itself to the consideration of financial and administrative matters relating to the Tribunal, the Authority and the Commission. In that connection, it was recalled that the Third United Nations Conference on the Law of the Sea had rejected proposals for a broader role for the Meeting. Attention was drawn to the fact that the qualified title of item 13 of the Meeting's agenda was the result of a compromise between those different views.

94. The Meeting took note of the report of the Secretary-General under article 319 and decided that the same agenda item would be included in the provisional agenda of the twenty-fourth Meeting.

VIII. Other matters

Information provided by the Secretariat

95. The Secretariat provided information on the current status and projected funding requirements of the three voluntary trust funds created by the General Assembly to assist the work of the Commission on the Limits of the Continental Shelf and the International Tribunal on the Law of the Sea.

96. It was reported that, since the previous Meeting, contributions had been made by China, Costa Rica, Denmark, Iceland, Ireland, Japan, Mexico and the Republic of Korea to the Voluntary Trust Fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission.

97. Since the previous Meeting, contributions had also been received from Costa Rica, Iceland and Ireland to the Voluntary Trust Fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the United Nations Convention on the Law of the Sea.

98. With regard to the Voluntary Trust Fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea, a contribution had been made by Finland since the previous meeting.

99. The Secretariat provided a brief overview of the status of several other trust funds administered by the Division, which contributed, inter alia, to the dissemination and wider appreciation of international law and provided financial assistance for the participation of representatives from developing countries to meetings held at United Nations Headquarters.[9]

100. The Secretariat expressed gratitude to all States that had made contributions to the trust funds and reiterated the appeal to States and others that were in a position to do so to contribute to the trust funds administered by it. The Secretariat also called upon States for assistance in identifying intergovernmental organizations and institutions, as well as natural and juridical persons, that would be in a position to contribute to the trust funds.

Alignment of the practice of the Meeting with rule 1 of the Rules of Procedure

101. Acting on a proposal by the President made on behalf of the Bureau, the Meeting reached an understanding that, beginning with the twenty-fourth Meeting of States Parties, to be held in 2014, the practice of the Meeting of States Parties would be aligned with the definition of the Meeting contained in rule 1 of the Rules of Procedure, namely that the Meetings could be adjourned and resumed as required and would terminate when the next Meeting of States Parties is convened. In practical terms, the Secretary-General, when convening a future Meeting, would suggest that the credentials of representatives should cover the whole period until the convening of the next Meeting. Consequently, while the main part of the Meeting would be convened in accordance with the current practice, the Meeting would be in a position to resume, if required, for example for by-elections, with no procedural impediments. This would also give full effect to rule 19, pertaining to the election of officers, which provides that the terms of office of the President and Vice-Presidents of the Meeting shall continue until the next Meeting elects its officers. Regarding additional credentials, or changes to those already presented, received following the presentation of the report of the Credentials Committee during the main part of the Meeting, the Committee would consider them subsequently, as necessary.

102. The Secretariat noted that since this understanding concerned the formal aspects of the conduct of business, it would not have any programme budget implications.

Acknowledgements

103. The President expressed his appreciation to the interpreters, translators and conference officers for their assistance and services provided during the meeting, as well as to the staff of the Division. The President also expressed particular appreciation to the Legal Counsel of the United Nations for her support to the Meetings of States Parties over the years.

[9] Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea Trust Fund; Voluntary Trust Fund for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects; Voluntary Trust Fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States to attend meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.